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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/003,825	10/31/2001	K. Douglas Gennetten	10010053-1	4736

7590 06/02/2003

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
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EXAMINER

GRAY, DAVID M

ART UNIT	PAPER NUMBER
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2851

DATE MAILED: 06/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 6, 9 and 12 stand rejected under 35 U.S.C. 102(b) as being clearly anticipated by McIntyre et al.

3. The digital memory 36 meets the claimed “memory for storing at least one camera setting in association with a particular user.” The speech recognition chip 21 meets the claimed “physical attribute sensor for identifying the user.” And the camera system microcontroller 23 meets the claimed “processor for controlling the camera according to said stored at least one camera setting in response to a signal from the sensor that indicates that the user has been identified.”

4. Applicant argues “Nowhere does McIntyre describe receiving or storing camera settings in association with a particular user, or controlling the camera according to those settings when that user is later identified.” McIntyre et al. states “digital memory 36 is used to store camera programs along with passwords that may be changed from time-to-time”, column 3, lines 45-47. And McIntyre et al. states the “camera’s memory stores trained patterns of the same word along with a privilege definition table which tracks recognized authorized users and their privilege levels” column 5, lines 43-45. These “authorized level of access” clearly are settings that control the camera’s function. And they are clearly stored “in association with a particular user.”

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 5-7, 9, 10, 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki et al. in view of McIntyre et al.

7. Regarding claim 1, the custom mode memory 2 of Suzuki et al. meets the claimed “memory for storing at least one camera setting in association with a particular user.” The dial 35 and input button 38 is the means “for identifying the user.” And the controlling circuit 1 meets the claimed “processor for controlling the camera according to said stored at least one camera setting in response to a signal from” the means for identifying the user.

8. Thus Suzuki et al. differs from the claimed invention in that Suzuki et al. does not disclose a “physical attribute sensor” for detecting a physical attribute of a camera user.

9. McIntyre et al. teaches that a password for controlling camera operation can be input by a keyboard or alternatively by a voice recognition sensor.

10. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to substitute the voice recognition password input of McIntyre et al. for the manually input password of Suzuki et al. One would have been motivated to so modify Suzuki et al. in order to provide a more secure device as a manually input password can be determined by trail and error.

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11. Applicant argues, “Nowhere does Suzuki identify security as a concern.” Applicant’s attention is directed Suzuki et al. column 3, lines 3-15, where Suzuki et al. clearly states that the personal code is to secure the custom mode in order to prevent other users from using the custom mode. Applicant is correct that the Suzuki et al. reference does not contain a “keyboard.” The examiner regrets the terminology used. The substitution is one password input means, the voice recognition, for another password input means, the dial and switch. Applicant’s argument regarding improper hindsight is incorrect in view of the specific teaching of Suzuki et al. regarding security.

12. Suzuki et al. in view of McIntyre et al similarly meet independent claims 6, 9 and 12.

13. Regarding dependent claims 5, 7, 10 and 13, Suzuki et al. discloses controlling the claimed camera operation modes, see column 2, lines 3-20.

14. Claims 1 and 4-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki et al. in view of Udom.

15. Regarding claim 1, the custom mode memory 2 of Suzuki et al. meets the claimed “memory for storing at least one camera setting in association with a particular user.” The dial 35 and input button 38 is the means “for identifying the user.” And the controlling circuit 1 meets the claimed “processor for controlling the camera according to said stored at least one camera setting in response to a signal from” the means for identifying the user.

16. Thus Suzuki et al. differs from the claimed invention in that Suzuki et al. does not disclose a “physical attribute sensor” for detecting a physical attribute of a camera user.

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17. Udom teaches that a user can forget a password and thus be denied usage. Thus Udom discloses using biometric characteristics such as fingerprints, retinal scans and voice prints as the password for the protected device.

18. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to substitute the biometric characteristic sensor for the manually input password of Suzuki et al. One would have been motivated to so modify Suzuki et al. in order to prevent the user from being denied usage of the protected device.

19. Applicant's attention is directed Suzuki et al. column 3, lines 3-15, where Suzuki et al. clearly states that the personal code is to secure the custom mode in order to prevent other users from using the custom mode.

20. Suzuki et al. in view of Udom similarly meet independent claims 6, 9 and 12.

21. Regarding dependent claims 5, 7, 10 and 13, Suzuki et al. discloses controlling the claimed camera operation modes, see column 2, lines 3-20.

22. Claims 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki et al. in view of Udom as applied to claims 1 and 4-14 above, and further in view of the acknowledged prior art digital camera set forth in the background.

23. The modified Suzuki et al. differs from the claimed invention in that Suzuki et al. is directed to a photographic film camera. Thus Suzuki et al. does not have the claimed "image data processing setting" of claim 15 or the "compressed format setting" of claim 19.

24. Applicant's acknowledged prior art teaches that control functions in digital cameras include "light balance, audio recording, print formatting, optical zoom, resolution, and other controls."

25. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention that the password accessed control modes of Suzuki et al. could be easily adapted to a digital camera. One would have been motivated to modify a digital camera to include the Suzuki et al. custom mode control apparatus for the benefit of making the camera easier to use by plural users as taught by Suzuki et al.

26. Alternatively, it would have been obvious to convert the film camera of Suzuki et al. into a digital camera. One would be motivated to so modify Suzuki et al. for the known benefits of digital cameras such as instant image review, ease of electronically transmitting images, etc.

Conclusion

27. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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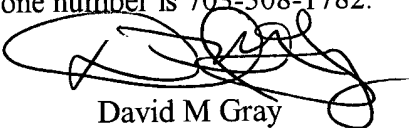
however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

28. The Anderson et al. reference is cited for it disclosure of selectively storing and retrieving control parameters in a digital camera.

29. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David M Gray whose telephone number is 703-308-1698. The examiner can normally be reached on M-T & T-F 7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Russ Adams can be reached on 703-308-2847. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9318 for regular communications and 703-872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1782.



David M Gray
Primary Examiner
Art Unit 2851

May 28, 2003

Office Action Summary

Application No.

10/003,825

Applicant(s)

GENNETTEN ET AL.

Examiner

David M Gray

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 March 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 4-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 4-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 October 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.